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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,835	08/14/2003	Yuk Cheung Au	P/4076-58	4066
2352	7590	11/24/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,835

Applicant(s)

AU ET AL

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/14/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

1. Applicant's election with traverse of Group I (claims 1-12) on 11/01/04 is acknowledged. The traversal is on the ground(s) that the product claims (1-12) and the method claims (13-20) are so closely related that they are not independent and distinct and should be examined together. Applicant's traverse is not persuasive. As stated in the previous Office action, the inventions are distinct from each because the process as claimed can be practiced by another materially different apparatus that does not have a film holder between the liner feeding device and the trimming device. A clamping device could hold the film without closing the gap. In fact, clamping mechanism for clamping the gap and the closing mechanism for the gap could be separated mechanisms. In addition, the apparatus as claimed can be used to practice another and materially different process such as the process of embossing sheet materials or films rather than trimming sheet materials or film. The linear feeding device can direct the sheet material or the film into an embossing device rather than a trimming device. Furthermore, the claims 13-20 directed to method of indexing a length of film may be so related to the claims the claims 1-12 directed to the apparatus for indexing a length of film. However, claims 1-12 are reciting different limitations which are different than the limitations of claims 13-20. For example, the optical device is placement surface in claim 20 and the optical device is positioned under the pick-up in claim 11.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 13-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a patterned interface of the vacuum head as set forth in claim 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "48" in Figs. 3 and 4.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding Claim 8, "collecting sensors adjacent to the backing cover that is operative to initiate driving of the collecting reel for collecting further backing cover from the film" is confusing. It is not clear what is the function of the sensors and how the sensors are collecting reel are related.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kropf et al. (5,941,150), hereinafter Kropf. Regarding claim 1, Kropf teaches an apparatus 11 for indexing a length of film or paper P for severance including a linear feeding device 31 operative to hold the film and to feed a predetermined amount of film to a trimming device 53, 55 by moving linearly between an initial position and another position towards the trimming device 53, 55. Kropf also teaches a film holder 65 between the linear feeding device 31 and the trimming device 53, 55 that is operable between a first position wherein a gap 27 is provided for the film P to pass through during the feeding to the trimming device 53, 55. Kropf also teaches that the film holder 65 is operable to a second position for clamping the film P when severing the film P with the trimming device 53, 55. See Figs. 1-5 and col. 4, lines 1-61 in Kropf.

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Price et al. (2,657,926), hereinafter Price. Regarding claim 1, Price teaches an apparatus for indexing a length of film 17 for severance including a linear feeding device 20 operative to hold the film 17 and to feed a predetermined amount of film 17 to a trimming device 52 by moving linearly between an initial position and another position towards the trimming device 52. Price also teaches a film holder 17 between the liner feeding device 20 and the trimming device 53 that is operable between a first position wherein a gap is provided for the film 17 to pass through during the feeding to the trimming device 52. The holding means 17 is located between the feeding device 20 and the cutting device 52. See Fig. 2 in Price. Price also teaches that the film holder 70 is operable to a second position for clamping the film 17 when severing the film 17 with the trimming device 52. See Figs. 1-3 and col. 3, lines 14-73 in Price.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Friberg et al. (3,813,974), hereinafter Friberg. Regarding claim 2, Price teaches everything noted above except that the linear feeder has a vacuum head coupled to a vacuum suction device. However, the use of vacuum head for displacing or moving a product is well known in the art such as taught by Friberg. Friberg teaches a vacuum head 8 for feeding a

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material 1 forward towards a cutter 12. See Fig. 1-4 and col. 2, lines 31-69 in Friberg. It would have been obvious to a person of ordinary skill in the art to replace the gripping heed of the Price's cutting apparatus with the vacuum heed as taught by Friberg, since Friberg's gripping head as an alternative for gripping material and moving the material forward functions the same as Price's gripping head.

Regarding claim 3 and 4, as best understood, Price as modified above teaches everything noted above, but Price does not teach that the head has a patterned interface, which is changeable for different types of film. However, the use of different support surface for contacting film material or the like is well known in the art such as taught by Bruck (4,716,069). Regarding claim 4, Price as modified by Firberg does not teach a surface the linear feeding device contacting the film is made from material that has low static generation with the film. However, Official notice is taken that use of supporting surface for the film from low or anti static material is well known in the such as taught by Bruke (4,716,069).

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Igarashi (2002/0039119). Regarding claim 5, Price teaches everything noted above except a linear encoder coupled to the linear feeding device for determining the position of the linear feeding device. However, the use of encoder with a carriage for a feeder is well known in the art such as taught by Igarashi. Igarashi teaches a linear encoder 9 coupled to a linear carriage 3 for determining the position of the carriage. See Fig. 1 and page 1, paragraphs 3-6 in Igarashi. It would have been obvious to a person of ordinary skill in the art to provide the feeding device of the Price's cutting apparatus with the linear encoder as taught by Igarashi in order to determined the position of the feeding device.

13. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Rosenthal (2,214,478) and in further view of Ando et al. (2002/0057912), hereinafter Ando. Regarding claim 6, Price teaches everything noted above including a film reel 16 for supplying the length of film. Price does not teach sensors positioned adjacent to the film reel operative to activate the film reel to release film at particular position of the film with respect to the sensors, whereby a loop is maintainable between the film reel and the surface supporting the film for indexing. However, Rosenthal teaches a film reel 4 for supplying film and a loop, which is maintained between the film reel and a surface for supporting the film. See Figs. 1-4 and col. 1, lines 45-55 and col. 2, lines 1-14 in Rosenthal. It would have been obvious to a person of ordinary skill in the art to provide the film of Price' cutting device with the loop as taught by Rosenthal in order to eliminate the need of supplying power for pulling the film from the reel by the feeding mechanism. Price in view of Rosenthal does not teach that the sensors maintain the loop on the film. However, the use of sensors to maintain the loop on the film is well known in the art such as taught by Ando. Ando teaches loop sensor 112 for sensing the loop portion 108 of the film. See Figs. 3-6 and page 10, paragraphs 108-111 in Ando. It would have been obvious to a person of ordinary skill in the art to provide Price' cutting device, as modified by Rosenthal, with one or more loop sensors as taught by Ando in order to maintain the loop on the film.

Regarding claim 7, Price as modified by Rosenthal teaches everything noted above including one or more rollers 7 situated between the film reel 4 and the linear feeding device to bring the film substantially level with the surface supporting the film. Se Fig. 1 in Rosenthal.

14. Claims 8 and 9, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Von Hofe et al. (3,756,899), hereinafter Hofe. Regarding claim 8, Price teaches everything noted above except a collecting reel to which a baking cover peeled off from the film is coupled, for collecting backing cover peeled off from the film during indexing. However, the use of collecting reel for collecting a baking cover of a film or the like is well known in the art such as taught by Hofe. Hofe teaches a collecting reel 66 for collecting the backing cover of the film L. See Fig. 2B and col. 5, lines 24-62 in Hofe. It would have been obvious to a person of ordinary skill in the art provide Price's cutting device with the collecting reel as taught by Hofe in order to collect the backing cover of the film.

Regarding claim 9, Price as modified by Hofe does not teach a sensor associated with the collecting reel. However, Official notice is taken that the use of sensors to monitor a roll is well known in the art. In addition, the use of sensors to sense the leading of a workpiece, the end of a workpiece or the like is well known in the art.

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Nam et al. (2002/0109217), hereinafter Nam. Regarding claim 10, Price teaches everything noted above except a pick up device movable between the trimming device and a placement position and an optical device positioned under the pick-up device for inspecting a piece of film on the pick-up device. Nam teaches a pick up device 52 movable between the trimming device 48 and a placement position 66. See Fig. 4 in Nam. It would have been obvious to a person of ordinary skill in the art provide Price's cutting device with the picking device as taught by Nam in order to pick up the film to apply the film on the workpiece. Price as

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modified by Nam does not teach an optical device to inspect a piece of film. However, Official notice is taken that the use of optical devices for inspection of the cut pieces are well known in the art such as taught by Thomson et al. (5,046,389).

16. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Dueck (6,647,872). Regarding claims 11 and 12, Price teaches everything noted above except a sensor to detecting a presence of a length of film. However, the used of sensors to detect end-of-film or workpiece and the use a sensor for detecting a presence of a length of film or workpiece are well known in the art such as taught by Dueck. Dueck teaches a sensor for detecting the presence of workpiece. See Col. 2, lines 10-20 in Dueck. It would have been obvious to a person of ordinary skill in the art provide Price's cutting device with the sensor as taught by Dueck in order to detect the presence of the film.

17. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Yamaguchi et al. (5,239,904), hereinafter Yamaguchi. Price teaches everything noted above except a sensor for detecting end-of-film on and initiating an action to stop feeding film to the trimming device. However, the used of sensors to detect end-of-film or workpiece and the use a sensor for detecting a presence of a length of film or workpiece are well known in the art such as taught by Yamaguchi. Yamaguchi teaches a sensor E for detecting end-of-film on and initiating an action to stop feeding film to the trimming device. See col. 12, lines 1-25 in Yamaguchi. It would have been obvious to a person of ordinary skill in the art provide Price's cutting device with the sensor as taught by Yamaguchi in order to detect the leading end of the film.

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Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sullivan (3,829,346), Keck (1,656,989), Muto (4,099,433), Lewis (4,579,027), Hills (4,265,385), Croyle et al. (5,535,997), Kuehnert (4,722,256), Kallner (5,445,053) teach a gripper for advancing a web material toward a cutter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

November 18, 2004


Allan N. Shoap
Supervisory Patent Examiner
Group 3700